

### REMARKS

Before the present preliminary amendment, Claims 1-44 were pending, with Claims 1, 12, 19, and 24 being in independent form. In the present preliminary amendment, Claims 1, 2, 5, 7-10, 12, 15-17, 19, 22, 24, 27, 29, 31, and 38-44 have been amended, Claim 30 has been cancelled without prejudice, and Claims 45-64 have been added. After the present preliminary amendment, Claims 1-29, 31-64 will be pending, with Claims 1, 12, 19, 24, and 45 in independent form. No new matter has been added. Early examination and favorable consideration of the present application are requested on the basis of the foregoing amendments and following remarks

In the Advisory Action dated 4 April 2003, the Examiner maintained his §103 obviousness rejection of all pending claims under §103 as obvious over *Darling et al.* (WO 93/231,125) in view of *Jamtgaard et al.* (US 6,430,624), dismissing applicant's arguments in the Reply After Final Rejection filed 17 March 2003 that the Examiner did not make a prima facie case of obviousness, that there is no suggestion to combine the references, and that the Examiner's conclusion of obviousness was based upon improper hindsight reasoning.

Applicant again respectfully traverses the Examiner's §103 obviousness rejection, and submits an additional argument that there is no suggestion or motivation in *Jamtgaard* and *Darling* to combine them, and respectfully asks the Examiner to reconsider whether there is enough reasoning and motivation to combine the reference teachings in order to establish a *prima facie* case of obviousness.

*Jamtgaard* teaches a content delivery system and method, in which a client terminal requests content from a centralized content provider on the Internet, and the *Jamtgaard* system converts the content into a form applicable to the client terminal, before forwarding the converted content to the requesting client terminal (col. 2, lines 40-59). In other words, the client terminal *pulls* the content to the client terminal by first requesting the content from a centralized content provider. In other words, *Jamtgaard* teaches a general "client-server" content delivery system and method, wherein the client terminal has to initiate the content delivery, i.e., "pull" by requesting certain specified content.

By contrast, *Darling* teaches a decentralized multiplayer gaming system in which "portable computer game machines" communicate directly with each other in order to play the game (page 2, 1st ¶). The game machines operate independently, and in addition to that, a player can have "at least some degree of direct communication" with another player on another game machine participating the game, i.e., the player may send a message to another player, who did not request the message (page 9, 2nd ¶). In other words, the game machine *pushes* the message to another game machine without requiring the recipient game machine to request the message.

There is no motivation or suggestion to merge the decentralized person-to-person (terminal-to-terminal) game messaging "push" system disclosed in *Darling* with the centralized content delivery "pull" system (server/client) disclosed in *Jamtgaard* in order to provide a multi-player gaming system such as the one claimed in the present application.

The fact that *Darling* teaches that messages may be transferred to game machines made by different companies does not motivate one skilled in the art to combine a "push" type messaging system with a "pull" type content delivery system. In fact, the applicant believes that the only suggestion one could have to combine these two teachings is contained in the disclosure of the present application, and using knowledge of the applicant's disclosure in order to combine references is an "impermissible hindsight" and must be avoided (MPEP §2142).

Therefore, since there is neither a suggestion nor a motivation for combining *Darling* and *Jamtgaard et al.*, and such a suggestion or motivation is an essential criteria for establishing a *prima facie* case of obviousness, the applicant respectfully states that there cannot be found reasoning in support of making a *prima facie* case of obviousness under §103(a). Withdrawal of the rejection is respectfully requested.

Applicant has amended the claims to more clearly define and point out the nature of the present invention by emphasizing the messaging between gaming terminals in the claims of the present application. Specifically, the independent claims have been amended to more clearly point out that the predefined messages are "pushed", i.e., sent from the at least one wireless terminal to at least one other terminal participating in the game.

Independent Claims 1, 12, 19, and 24 have been amended to recite the "push" nature of communication in the present invention. Dependent Claim 4 has been amended for antecedent

basis and to recite material removed from Claim 1. Dependent Claim 15 has been amended to recite where the indicator is displayed. Dependent Claims 2, 5, 7-10, 15-17, 22, 27, 29, 31, and 38-44 have been amended for cosmetic reasons, whether for format, antecedent basis, or otherwise. Allowance of Claims 1-29 and 31-44 is respectfully requested.

Newly-added dependent Claim 45 contains no new matter (such material is throughout the originally-filed specification; see, e.g., page 17, lines 14-15) and depends indirectly from amended independent Claim 19, which is believed to be in condition for allowance. Allowance of newly-added Claim 45 is respectfully requested.

Newly-added independent Claim 46 contains no new matter (such material is throughout the originally-filed specification; see, e.g., page 11, line 6, to page 27, line 8). Since the prior art neither teaches nor suggests at least one wireless terminal on a cellular telephone network for running a player client program, said player client program having a communication link with a game server program; a game platform on a wide area network for running the game server program, and for providing a platform on which a user of the at least one wireless terminal can play a game using the player client program, comprising: a means for the user to log in to the game platform so that the user becomes a player in the game; and a player database containing records for each player logged in to the game platform, wherein each record comprises the destination address of the logged in player and the output capacity of the terminal of the logged in player; a means for storing at least one predefined message; a means for determining a state of the game comprising a means for scanning game-related events in the game; a means for providing at least one game-related predefined message to the user of the wireless terminal based on the state of the game, wherein the user selects whether to transmit the at least one game-related predefined message to at least one destination address; and a means for modifying, if necessary, the at least one game-related predefined message to match the terminal capabilities of the at least one destination address to which the predefined message is to be sent; wherein the state of the game comprises at least one of before a game is being played by the user, during a game being played by the user, after a game has been played by the user, and when a predefined game-related criteria is met; and wherein the predefined game-related criteria comprises an event that is related to the game and is predefined, all of which is recited in Claim 47, it is believed that


Claim 47 is in condition for allowance. Allowance of newly-added Claim 47 is respectfully requested.

Newly added dependent Claims 47-49, 50-53, 54-57, and 58-60 contain no new matter (see, e.g., page 12, lines 10-15; page 15, line 17-page 16, line 6; page 21, lines 5-19; and FIG. 5A) and depend directly from amended independent Claims 1, 12, 19, and 24, respectively, which claims are believed to be in condition for allowance. Allowance of newly-added Claims 47-60 is respectfully requested.

Newly added dependent Claims 61-64 contain no new matter (see, e.g., page 12, lines 10-15; page 15, line 17-page 16, line 6; page 21, lines 5-19; and FIG. 5A) and depend directly from newly added independent Claim 46, which is believed to be in condition for allowance. Allowance of newly-added Claims 61-64 is respectfully requested.

Respectfully submitted,

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